

## Environmental Protection Agency

## § 52.1601

as correcting the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional.

(2) Notwithstanding the provisions of paragraph (c)(1) of this section, if, at the time of the approval of New Jersey's SIP revision described in paragraph (c)(1) of this section, the Administrator has already started recording any allocations of TR SO<sub>2</sub> Group 1 allowances under subpart CCCCC of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart CCCCC of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR SO<sub>2</sub> Group 1 allowances to units in the State for each

such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

[72 FR 62352, Nov. 2, 2007, as amended at 76 FR 48370, Aug. 8, 2011]

### §§ 52.1586–52.1600 [Reserved]

#### § 52.1601 Control strategy and regulations: Sulfur oxides.

(a) The applicable limitation on the sulfur content of fuel marketed and used in New Jersey until and including March 15, 1974, as set forth in N.J.A.C. subchapter 7:1–3.1 is approved, except that the use of coal in the following utility plants and boiler units is not approved:<sup>1</sup>

Company	Plant	City	Boiler unit(s)
Atlantic City Electric .....	Deepwaters .....	Deepwaters .....	5/7, 7/9, 3/5, 4/6.
Public Service Electric & Gas .....	Essex .....	Newark .....	All.
Do .....	Sewaren .....	Woodbridge .....	Do.
Do .....	Bergen .....	Bergen .....	No. 1.
Do .....	Burlington .....	Burlington .....	1–4.
Do .....	Kearney .....	Kearney .....	All.
Do .....	Hudson .....	Jersey City .....	No. 1.
Jersey Central Power & Light .....	Sayreville .....	Sayreville .....	All.
Do .....	E. H. Werner .....	South Amboy .....	Do.

(b) Before any steam or electric power generating facility in Zone 3, as defined in N.J.A.C. 7:27–10.1, burning fuel oil on June 4, 1979, having a rated hourly gross heat input greater than 200,000,000 British Thermal Units (BTU's), and capable of burning coal without major reconstruction or construction, which facility was in operation prior to May 6, 1968, or group of such facilities having a combined rated hourly capacity greater than 450,000,000 BTU's may be permitted by the State to convert to the use of coal, the State shall submit to EPA a copy of the proposed permit together with an air quality analysis employing methodology acceptable to EPA. If EPA determines, on the basis of the submitted analysis, that the proposed coal conversion will not interfere with the attainment or maintenance of air quality standards

and will not be the cause for any Prevention of Significant Deterioration (PSD) increment to be exceeded, then the permit authorizing conversion may become effective immediately upon the publication of such a determination (as a Notice) in the FEDERAL REGISTER. If EPA determines that the submitted analysis is inadequate or that it shows that the proposed conversion will interfere with attainment or maintenance of air quality standards or cause any PSD increment to be exceeded, then EPA shall so inform the State of its determination, and the permit authorizing conversion shall not become effective and conversion shall not occur until an adequate analysis is submitted or, if necessary, until a control strategy revision which would require any necessary emission reductions is submitted by the State and placed into

<sup>1</sup>Action by the Administrator regarding coal conversion at the listed plants and units is being held in abeyance until the Administrator determines whether and to what ex-

tent that conversion cannot be deferred, based on analysis of fuel allocations for residual oil and coal in the Mid-Atlantic and New England States.

effect as an EPA approved revision to the implementation plan. In addition, this same procedure shall apply to any State permit applied for that would authorize a relaxation in the sulfur-in-coal limitation at any such facility, as defined above in this paragraph, having already been granted a permit to convert to coal.

(c) The U.S. Gypsum Co. in Clark, New Jersey is permitted to burn fuel oil with a sulfur content of 2.0 percent, by weight, at either Boiler #1, #2 or #3 until March 31, 1985 or until Boiler #4 is ready to burn coal, whichever occurs first. Such oil burning must conform with New Jersey requirements and conditions as set forth in applicable regulations and administrative orders.

[39 FR 1439, Jan. 9, 1974, as amended at 44 FR 31979, June 4, 1979; 44 FR 38471, July 2, 1979; 49 FR 30179, July 27, 1984]

**§ 52.1602 Control strategy and regulations: PM<sub>2.5</sub>.**

(a) Approval—On May 18, 2006, New Jersey submitted an early PM<sub>2.5</sub> implementation plan to set motor vehicle emissions budgets for the New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM<sub>2.5</sub> nonattainment area. The budgets were allocated by metropolitan planning organization as follows: North Jersey Transportation Planning Authority: 1,207 tons per year of direct PM<sub>2.5</sub> and 61,676 tons per year of NO<sub>x</sub>; Delaware Valley Regional Planning Commission: 89 tons per year of direct PM<sub>2.5</sub> and 4,328 tons per year of NO<sub>x</sub>.

(b) Approval—On February 25, 2008, New Jersey submitted a revision to its early PM<sub>2.5</sub> implementation plan to revise the motor vehicle emissions budgets for the Mercer County, New Jersey portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT, PM<sub>2.5</sub> nonattainment area. The revised budgets, applicable to the Delaware Valley Regional Planning Commission, are as follows: 108 tons per year of direct PM<sub>2.5</sub> and 5,056 tons per year of NO<sub>x</sub>.

(c) Determination of Attainment. EPA has determined, as of December 15, 2010, that the New York-Northern New Jersey-Long Island, NY-NJ-CT fine particle (PM<sub>2.5</sub>) nonattainment area has attained the 1997 PM<sub>2.5</sub> National Ambient Air Quality Standard.

This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as the area continues to attain the 1997 PM<sub>2.5</sub> NAAQS.

(d) Determination of Attainment. EPA has determined, as of *May 16, 2012*, that the Philadelphia-Wilmington, PA-NJ-DE fine particle (PM<sub>2.5</sub>) nonattainment area has attained the 1997 PM<sub>2.5</sub> National Ambient Air Quality Standard. This determination, in accordance with 40 CFR 51.1004(c), suspends the requirements for this area to submit an attainment demonstration, associated reasonably available control measures, a reasonable further progress plan, contingency measures, and other planning SIPs related to attainment of the standard for as long as the area continues to attain the 1997 PM<sub>2.5</sub> NAAQS.

[73 FR 24870, June 5, 2008, as amended at 75 FR 69591, Nov. 15, 2010; 77 FR 28785, May 16, 2012]

**§ 52.1603 Significant deterioration of air quality.**

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated and made a part of the applicable State plan for the State of New Jersey.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11323, Mar. 10, 2003; 68 FR 74489, Dec. 24, 2003]

**§ 52.1604 Control strategy and regulations: Total suspended particulates.**

(a) Any variance issued by the Department under N.J.A.C. Title 7, Chapter 27, section 6.5, subsections (a), (b), or (c) shall not exempt any person from the requirements otherwise imposed by N.J.A.C. 7:27–6.1 *et seq.*; *Provided* that the Administrator may approve such variance as a plan revision when the provisions of this part, section